IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 19830 of 2002

Between:

T.Santosh Kumar, S/o Late T.Ramakrishna,
R/o 18-7-739/31, O/s .Gowlipura, Hyderabad.

..... PETITIONER

AND

1. The Commissioner,

Municipal Corporation of Hyderabad,
Tank Bund, Hyderabad.

2. The Assistant City Planner,

Municipal Corporation of Hyderabad,
Circle No.1 ,Sardar Mahal.

Charminar , Hyderabad.

3. The Director Genral

(Vigilance & Enforcement) & E.O

Principal Secretary to Govt. of A.P
General Administration Department,

Burugula Ramakrishnarao Bhavan,
Tank Bund , Hyderabad.

4. Smt P.Anitha W/o. Sadanand,

R/o H.No.18-7-739/39/3,

Sreeramnagar Colony,

Outside Gowlipura, Hyderabad -54.

...RESPONDENTS

* * *

ORDER:

This writ petition has been filed by T. Santhosh Kumar with a prayer to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus directing the 1st and 2nd respondents to take appropriate action to demolish the illegal structures in respect of premises bearing municipal No.18-7-739/39/3, outside Gowlipura, Hyderabad belonging to the 4th respondent.

2. It is the grievance of the petitioner that 4th respondent constructed a house deviating the plan sanctioned by the Municipal Corporation, Hyderabad. It is the further grievance of the petitioner that he brought the said deviations to the notice of the Municipal Corporation, but the Municipal Corporation has not taken any action on his petition.

3. Respondents 1 and 2 filed counter-affidavit. It is stated in the counter-affidavit that the deviations made by the 4th respondent in constructing the building have been regularized. Para 4 of the counter-affidavit reads as follows:

" In reply to paras 7 to 14 of the affidavit I submit that during the pendency of the suit the 4th respondent herein taking advantage of G.O.Ms.No.419 made an application to this respondent corporation seeking regularization of deviations vide file No.10679/BRS/H.O./MCH/98 and this respondent after collecting penal amount, by considering the revised plan submitted by the 4th respondent, regularized the deviations vide Building Regularization No.334/C1/2001 dated 5.1.2001. As such this respondent could not take any action against the 4th respondent. It is true that the petitioner made complaint to the 3rd respondent and the 3rd respondent submitted a report as alleged by the petitioner. I submit that as this respondent regularized the deviations

by collecting penal amount as per G.O.Ms.No.419 as existing at that time, as such these respondents can not take any action against the 4th respondent is utter false."

4. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for respondents 1 and 2.

5. Since the deviations in the construction made by the 4th respondent have been regularized by the Municipal Corporation, Hyderabad, no direction can be issued in this writ petition to demolish the constructions made by the 4th respondent in violation of the building plan. The petitioner is at liberty to challenge the proceedings whereunder deviations in construction of the building have been regularized by the Municipal Corporation, Hyderabad.

6. I find the writ petition is devoid of merits and the same is hereby dismissed. No costs.

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B.SESHASAYANA REDDY, J.

Date: 13th September 2005

BSB